

EXHIBIT

Lisa A. Ohman

From: Chris J. Tardio
Sent: Tuesday, March 11, 2014 7:16 AM
To: Lisa A. Ohman; John-Mark Zini
Subject: Fwd: Discovery and Subpoena

Begin forwarded message:

From: Gerard Stranch <gerards@branstetterlaw.com>
Date: March 6, 2014 at 11:27:45 AM EST
To: "Chris J. Tardio" <chris@gideoncooper.com>, Ben Gastel <beng@branstetterlaw.com>, "Matt H. Cline" <matt@gideoncooper.com>
Cc: "Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)" <mchalos@lchb.com>
Subject: RE: Discovery and Subpoena

We have not heard back from your on this. Our motion is being filed today. I suggest that we agree to a briefing schedule as follows:

1. Our motion today
2. Your response 3-11

Let me know if that works for you.

Gerard

From: Gerard Stranch
Sent: Friday, February 28, 2014 10:38 AM
To: 'Chris J. Tardio'; Ben Gastel; Matt H. Cline
Cc: Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)
Subject: RE: Discovery and Subpoena

Chris,

Our problem is that we need the data to respond to the Motion to dismiss. Various lawyers had earlier sent letters to you asking for the information, however, they did not receive full responses – hence the discovery request. Based on the statements in your affidavit, I do not understand why this information is not already gathered and readily available. I would prefer to reach an agreement on a date certain with a rolling production agreement so that it does not impact the motion briefing. If you are unable to commit to that, then we will have to file a motion.

Gerard

From: Chris J. Tardio [<mailto:chris@gideoncooper.com>]
Sent: Thursday, February 27, 2014 6:51 PM
To: Gerard Stranch; Ben Gastel; Matt H. Cline
Cc: Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)
Subject: RE: Discovery and Subpoena

Not right now. We do not even have all the documents pulled to respond to the interrogatories, without even getting into other obligations in these cases running contemporaneous with this. So, to truthfully answer your question, no. I am not trying to be difficult, but I am not going to self-impose a deadline that we cannot meet and be stuck with an expedited deadline I agreed to, particularly when the only explanation provided is that the information relates to a response due March 28. I can tell you that they are not sitting on my desk collecting dust. We have spent the last couple days identifying and pulling documents, but it takes time.

Chris J. Tardio, Esq.
Member // Gideon, Cooper & Essary, PLC

From: Gerard Stranch [<mailto:gerards@branstetterlaw.com>]
Sent: Thursday, February 27, 2014 12:29 PM
To: Chris J. Tardio; Ben Gastel; Matt H. Cline
Cc: Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)
Subject: RE: Discovery and Subpoena

Do you have a date by which you can commit to fully responding? We would prefer to reach an agreement on a date certain.

Gerard

From: Chris J. Tardio [<mailto:chris@gideoncooper.com>]
Sent: Thursday, February 27, 2014 12:27 PM
To: Ben Gastel; Matt H. Cline
Cc: Gerard Stranch; Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)
Subject: RE: Discovery and Subpoena

Ben:

We have had the discovery in hand for four business days. We are working diligently to answer it, but it requires identification of and re-review of a lot of documents to ensure complete and accurate responses. I cannot in good faith agree to respond by Monday, about a week-and-a-half after we received the discovery. If you feel that you need to file a motion, file a motion, but we can only work to answer the discovery as fast as we can work.

The deposition is not going forward.

Chris J. Tardio, Esq.
Member // Gideon, Cooper & Essary, PLC

From: Ben Gastel [<mailto:beng@branstetterlaw.com>]
Sent: Thursday, February 27, 2014 11:55 AM
To: Chris J. Tardio; Matt H. Cline
Cc: Gerard Stranch; Chalos, Mark P. (mchalos@lchb.com) (mchalos@lchb.com)
Subject: Discovery and Subpoena

Chris and Matt,

Please let me know today by 2pm whether you will agree to expedite your responses to the discovery we served last week, per my earlier request. We will file a motion today if we have not heard back from you.

Also, please confirm as soon as possible whether your deposition of Sandoz is going forward tomorrow.

Thank you,

Ben

Ben Gastel
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